

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

KYRA McELVY, Individually and on behalf §
of the ESTATE OF GREGORY McELVY, §
DECEASED, GREGORY McELVY (SR.), §
Individually and on behalf of the ESTATE OF §
GREGORY McELVY, DECEASED, and as §
Next Friend of KYRA McELVY, and TINA §
McELVY, individually and on behalf of the §
ESTATE OF GREGORY McELVY, §
DECEASED, and as Next Friend of KYRA §
McELVY, §

Plaintiffs, §

v. §

Civil Case No. 3:19-cv-01264-N

SOUTHWESTERN CORRECTIONAL, LLC, §
d/b/a LASALLE CORRECTIONS, LLC, and §
d/b/a LASALLE SOUTHWEST CORRECTIONS, §
LASALLE MANAGEMENT COMPANY, LLC, §
EDDIE WILLIAMS, KELLI BURK, CHRIS §
ELLER, DANIELLE KACHO, JOANN §
RUSSELL, LILLIAN DELAINE HINOJOSA, §
JOHN DOE 1-5, and JANE DOE 1-5, §

Defendants. §

UNOPPOSED MOTION FOR EXTENSION OF TIME TO
ANSWER OR OTHERWISE RESPOND

Defendants, LaSalle Management Company, LLC (“LaSalle Management”) and Southwestern Correctional, LLC d/b/a LaSalle Corrections, LLC and d/b/a LaSalle Southwest Corrections (“Southwestern Correctional”), through the undersigned counsel, respectfully asks this Court to grant this unopposed request for additional time to answer or to otherwise respond to the Complaint filed by Plaintiffs, as authorized by Federal Rule of Civil Procedure 6(b).

**I.
INTRODUCTION**

On May 24, 2019, Plaintiffs filed a complaint against Southwestern Correctional; LaSalle Management; Eddie Williams; Kelli Burk; Chris Eller; Danielle Kacho; Joann Russell; Lillian Delaine Hinojosa; John Doe 1-5; and Jane Doe 1-5.

Plaintiffs allege varying Section 1983 and state law claims against the Defendants, contending Defendants are liable for the death of Gregory McElvy.

LaSalle Management was served on June 10, 2019. Service was delivered to Southwestern Correctional on June 19, 2019, but there are irregularities in the summons. It does not appear that any other Defendants were served.

This file was assigned to the undersigned to defend LaSalle Management, Southwestern Correctional and current and former Southwestern Correctional employees. LaSalle Management's deadline to appear is July 1, 2019. Assuming service was proper, Southwestern Correctional's deadline to appear is July 10, 2019.

This request for an extension was filed as soon as it became aware of the need for additional time to answer or otherwise respond.

Defendants' counsel conferred with Plaintiffs' counsel on this motion as required by the Local Rules and it is unopposed.

**II.
ARGUMENT**

The Court may grant an extension of time for "cause shown." FED. R. CIV. P. 6(b).

Plaintiffs' claims stem from the purported failure to provide medical care to McElvy between September 13–15, 2013. Plaintiffs allege that McElvy was improperly treated for heroin withdrawal. Plaintiffs also allege failure-to-train claims against various Defendants and fraudulent

concealment.

To adequately respond to the allegations, the undersigned needs to obtain and review all jail classification and medical records regarding McElvy. Counsel also needs to obtain documents pertaining to the alleged fraudulent concealment claim. Additional time would be beneficial to both counsel and the Court so that a complete record can be provided to the Court.

To date, the undersigned cannot verify if the individual Defendants, Eddie Williams, Kelli Burk, Chris Eller, Danielle Kacho, Joann Russell and Lillian Delaine Hinojosa have been served, validly or otherwise.

As all LaSalle Defendants will be responding with a Rule 12 Motion, Movants request that the answer deadlines be consolidated so that all pleading allegations can be addressed in one Rule 12 motion, if possible. A unified answer date will assist both counsel and the Court.

Movants' request is for cause shown, as stated in this motion, not to delay these proceedings. *See* FED. R. CIV. P. 6(b).

III. CONCLUSION

For the above reasons, LaSalle Management Company, LLC and Southwestern Correctional, LLC ask the Court to extend the time to answer or otherwise respond until August 9, 2019.

Respectfully submitted,

HORNE ROTA MOOS, LLP

By: /s/ Marvin C. Moos
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CERTIFICATE OF CONFERENCE

Counsel for Defendant conferred with counsel for Plaintiffs on **July 1, 2019** and he is unopposed to the extension requested in this motion.

/s/ Marvin C. Moos
MARVIN C. MOOS

CERTIFICATE OF SERVICE

I hereby certify that on **July 1, 2019**, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Emil Lippe, Jr.
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Attorney for Plaintiffs

/s/ Marvin C. Moos
MARVIN C. MOOS